

REMARKS

In the July 25, 2008 Office Action, the Examiner noted that claims 1-16 were pending in the Application. Claims 1, 9 and 12-15 have been amended herein. Thus, claims 1-16 remain pending for consideration, which is respectfully requested. No new matter has been added.

Applicants thank the Examiner for discussing the application in a telephone conference conducted on October 22, 2008. As discussed during the conference, Applicants have amended the claims herein to further emphasize and clarify the patentable distinctions of the claims over the cited art.

Accordingly, Applicants submit that the amendments herein place the application in a condition for allowance, or at least into a better form for appeal, and therefore, respectfully request entry of the amendments under 37 C.F.R. § 1.116.

Rejection under 35 U.S.C. § 101

On page 2, the Office Action rejected claims 1-8 and 14-15 under 35 U.S.C. § 101 for allegedly being directed to a program *per se*, and thus, non-statutory.

Claim 1, for example, has been amended herein to recite "A graphical user interface element displayed on a display" (line 1). Claims 14 and 15 have been amended in a somewhat similar manner. Accordingly, Applicants assert that claims 1-8 and 14-15 now even more fully comply with 35 U.S.C. § 101.

In view of the above, Applicants request the rejection be withdrawn.

Rejection under 35 U.S.C. § 103(a)

On page 3, the Office Action rejected claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Komerska et al. (Non-Patent Literature titled "Haptic Task Constraints for 3D Interaction") in view of Andersson (U.S. Patent 6,801,217). This rejection is respectfully traversed.

Applicants submit that the cited art fails to disclose all of the features as recited by claim 16. For example, claim 16, in part, recites:

displaying... a 3D orientation indicator... visually indicating an orientation of associated scene... and... comprising... view direction controls... each indicating a direction of a corresponding view into the 3D scene, and each control causing a display view orientation of the three-dimensional scene to **discretely change to the corresponding view into the scene when each control is selected by clicking on the control with a cursor**

(emphasis added). In response to Applicants' previous arguments, the Office Action on page 11, item R2, stated "the feature upon which applicant relies (i.e. 'The view does not change discretely or jump to a new position') are not recited in the rejected claim(s)." As shown above, however, claim 16 recites "each control causing a display view orientation... to **discretely change to the corresponding view into the scene when each control is selected by clicking on the control with a cursor**" (lines 6-9, emphasis added). Thus, according to claim 16, the 3D orientation indicator includes view direction controls, each of which correspond to a view into the scene (e.g. from a vertical, horizontal and depth axis). Accordingly, when a user "click[s] on the control with a cursor," the scene "discretely" changes to the corresponding view.

In contrast, the widget as shown in Figure 3 of Komerska includes a scale control that allows a user to zoom or fly into a scene while yaw and pitch controls allow the user to control the direction of the zoom. The control of the direction of the zoom or flying into the scene is by the user clicking and *dragging* on a yaw or pitch control. The drag on one of these controls changes the view into the scene in *proportion to the dragged distance*. In other words, Komerska continuously changes the view into the scene based upon a moved distance. That is, the view changes when the control is dragged and not when the control itself is selected (e.g. not when the control is initially clicked). For example, in Komerska, if a user uses a conventional mouse and selects a control (e.g. pitch control) and holds down the left mouse button (e.g. initiates a drag function), but maintains the mouse in a stationary position, the view in Komerska would not change. Moreover, if a user clicks on a control in Komerska with nothing more (e.g. without a drag), the view would not change. Thus, the change of view in Komerska is dependant upon a movement of the control and not a mere selection of a control. Thus, Applicants submit that *dragging a control and continuously changing a view in proportion to a dragged distance* does not equate to **discretely** changing to a corresponding view **when a control is selected** by clicking on the control. Accordingly, Applicants submit that Komerska fails to disclose the feature of "discretely chang[ing] to the corresponding view into the scene when each control is selected by clicking on the control with a cursor" as recited by claim 16 (lines 7-9).

Applicants submit that Andersson merely relates to modifying a 3D object using a two dimensional device and is not concerned with views of a scene nor views that can be selected. Therefore, Applicants submit that Andersson fails to cure the deficiencies of Komerska described above. Accordingly, Applicants submit that claim 16 patentably distinguishes over the cited art.

As discussed during the telephone conference with the Examiner, the remaining independent claims have been amended herein to further clarify the features recited therein.

As described above, Komerska describes changing a view when a control is dragged (i.e. moved) and not when a control is merely selected. Accordingly, Applicants submit that Komerska fails to describe "view direction controls... causing a display view orientation of the three-dimensional scene to change to the corresponding view **upon selecting the control**" as recited by claim 1. Andersson fails to cure the deficiencies of Komerska, and therefore, claim 1 patentably distinguishes over the cited art.

Independent claim 15 recites "view direction controls... **causing a display view orientation of three-dimensional scene to change** to the corresponding view **upon selecting the control**" (lines 7-10, emphasis added), and therefore, patentably distinguishes over the cited art.

Independent claim 9 recites "**orienting the display view orientation** to the view direction of the control **upon activating the control**" (lines 4-5, emphasis added), and therefore, patentably distinguishes over the cited art.

Independent claim 12 recites "the computer **changing the display view orientation** to the view direction associated with a control **upon selecting the control by the mouse**" (lines 7-9, emphasis added), and therefore, patentably distinguishes over the cited art.

Independent claim 13 recites "**orienting the display view orientation** to the view direction of the control **upon activating the control**" (lines 4-5, emphasis added), and therefore, patentably distinguishes over the cited art.

Independent claim 14 recites "three-dimensional directional indicators... indicating an orientation of a three-dimensional scene and that **orient the view** to the direction indicated **upon activating the indicator by a user**" (lines 2-4, emphasis added), and therefore, patentably distinguishes over the cited art.

The remaining dependent claims inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for the reasons discussed above in addition to the additional features recited therein.

In view of the above, Applicants respectfully request the rejection be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees or credits associated with filing of this response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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